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SUBJECT: TRENDS IN RWANDA PERTAINING TO SEXUAL ORIENTATION  
AND GENDER IDENTITY

REF: STATE 130765

¶1. (SBU) SUMMARY: There is no Rwandan law against homosexuality. The constitution provides for equality of all citizens but does not specifically prohibit discrimination based on sexual orientation. In December 2009, following lobbying and statements by key government figures, the lower chamber of Rwanda's parliament removed an article criminalizing homosexuality from draft legislation of a revised penal code. Rwandan society is conservative on the issue of homosexuality, with many Rwandans believing it immoral and alien to their culture. END SUMMARY.

¶2. (SBU) There are no laws that criminalize sodomy or homosexuality. Although the constitution provides that all citizens are equal before the law, without discrimination on the basis ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith opinion, economic status, culture, language, social status, or physical or mental disability, there is no provision prohibiting discrimination on the basis of sexual orientation. The current penal code is silent on homosexuality, but punishes indecent acts with imprisonment of eight days to three years and/or a fine of 1,000-10,000 Rwandan francs (approximately \$2-\$20). Some human rights activists are concerned that without a definition of indecent acts, authorities could use the law to punish homosexuals. The new penal code includes a similar article, defining indecency as any act that goes against the code of conduct or degrades Rwandan culture. During the adoption of the new penal code in December, several members of parliament voiced concern over the vagueness of the term. (Note: Legislation passed by the lower house goes to the senate, and from there to the president, who has the option of returning it to parliament for further revision. End Note.)

¶3. (SBU) In 2007, some members of parliament called for legislation criminalizing homosexuality. In January 2007 the Ministry of Justice finished a new draft of the penal code, which had remained largely unchanged since 1978, and sent it to parliament. Through consultations with major partners such as international and local NGOs, parliament edited the draft several times. According to a civil society report, parliament added and removed articles criminalizing homosexual behavior on multiple occasions. The next-to-final draft included an article that stated, "any person who practices, encourages or sensitizes people of the same sex to sexual relations or sexual practice, shall be liable for a term of imprisonment ranging from five to ten years and a fine ranging from 200,000 Rwandan francs (approximately \$400) to 1,000,000 Rwandan francs (approximately \$2,000)." A coalition of Rwandan civil society representatives wrote a position paper, held a press conference, and petitioned legislators to remove the article from the penal code. Key government figures lobbied behind the scenes to have the article removed, and in December the Minister of Justice expressed public opposition to the article. The lower house subsequently dropped it from the penal code.

¶4. (SBU) Rwanda is a socially conservative country and anti-homosexual rhetoric is common. Many Rwandans believe homosexuality is immoral and alien to Rwandan culture. Religion plays a significant role in society and religious leaders are very influential. In 2007, according to local newspaper New Times, the archbishop of the Rwanda's Anglican church said acts of homosexuality were a form of moral genocide.

¶5. (SBU) There have been reports of abuse and discrimination of members of the LGBT community. According to findings from Qof members of the LGBT community. According to findings from a small-scale behavioral study of men who have sex with men (MSM) in Kigali carried out in 2008-2009 by MEASURE Evaluation, some MSM reported physical or verbal abuse in workplaces, bars, prisons, and/or in public. In 2008, security forces detained two women for several days upon their return from a conference on lesbians in Africa; security forces also reportedly searched their email. In 2007, there were reports that police officers assaulted and arrested homosexuals. There were also reports of landlords evicting tenants based on sexual orientation. There is one local NGO, Horizon Community Association (HOCA), .&~